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Kimberly Moses

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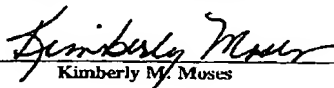
JUL 26 2004

Docket No. END-777

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Seth A. Forester et al.  
Serial No. : 09/954,646 Art Unit: 3737  
Filed : September 18, 2001 Examiner: Eleni Mercader  
For : METHODS AND DEVICES FOR DEFINING  
AND MARKING TISSUE

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United States Patent And Trademarks Office.

  
Kimberly M. Moses

7-26-04  
Date

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

[ ] In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set

identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

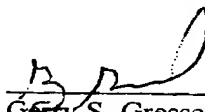
[X] In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☒ Please charge Deposit Account No.10-0750/END-777/GSG the fee of \$180.00 as set forth in §1.17(p).

[x] Copies of references listed on the attached Form PTO-1449 are not included under 37 CFR 1.98(d) where the references have been cited in US Patent Application 09/776,125 to which this application claims priority.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/GSG/END-777.

Respectfully submitted,

  
Gerry S. Gressel  
Reg. No. 34,342  
Attorney for Applicants

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Date: July 26, 2004

PTO/SB/08A (08-00)

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 5

Application Number	09/954,646
Filing Date	September 18, 2001
First Named Inventor	Foerster, Seth A., et al.
Group Art Unit	3737
Examiner Name	Eleni Mantis Mercader
Attorney Docket Number	END-777

**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
		4,248,214		Hannah, et al.	02-03-1981	ALL
		4,541,438		Parker, et al.	09-17-1985	ALL
		4,592,356		Gutierrez	06-03-1986	ALL
		4,774,948		Markham	10-04-1988	ALL
		4,799,495		Hawkins, et al.	01-24-1989	ALL
		4,813,422		Fisher, et al.	03-21-1989	ALL
		4,817,622		Pennypacker, et al.	04-04-1989	ALL
		4,852,568		Kensley	08-01-1989	ALL
		4,966,583		Debbas	10-30-1990	ALL
		4,986,279		O'Neill	01-22-1991	ALL
		5,014,713		Roper, et al.	05-14-1991	ALL
		5,018,530		Rank, et al.	05-28-1991	ALL

**FOREIGN PATENT DOCUMENTS**

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		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				
		EP	0 894 503	A2	Stinson	08-06-1998	ALL	
		PCT	00/38579	A2	Sirimanne, et al.	12-23-1999	ALL	

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<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary) Sheet 2 of 5	<b>Application Number</b>	09/954,646
	<b>Filing Date</b>	September 18, 2001
	<b>First Named Inventor</b>	Foerster, Seth A., et al.
	<b>Group Art Unit</b>	3737
	<b>Examiner Name</b>	Eleni Mantis Mercader
	<b>Attorney Docket Number</b>	END-777

## U.S. PATENT DOCUMENTS

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		Number	Kind Code <sup>2</sup> (if known)			
		5,080,655		Haaga	01-14-1992	ALL
		5,083,570		Mosby	01-28-1992	ALL
		5,158,084		Ghiatas	10-27-1992	ALL
		5,195,988		Haaga	03-23-1993	ALL
		5,197,482		Rank, et al.	03-30-1993	ALL
		5,221,269		Miller, et al.	06-22-1993	ALL
		5,325,857		Nabai, et al.	07-05-1994	ALL
		5,334,216		Vidal, et al.	08-02-1994	ALL
		5,353,804		Kornberg, et al.	10-11-1994	ALL
		5,388,588		Nabai, et al.	02-14-1995	ALL
		5,394,886		Nabai, et al.	03-07-1995	ALL
		5,409,004		Sloan	04-25-1995	ALL

## FOREIGN PATENT DOCUMENTS

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		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				

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<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary) <b>Sheet 3 of 5</b>	<b>Application Number</b>	09/954,646
	<b>Filing Date</b>	September 18, 2001
	<b>First Named Inventor</b>	Foerster, Seth A., et al.
	<b>Group Art Unit</b>	3737
	<b>Examiner Name</b>	Eleni Mantis Mercader
	<b>Attorney Docket Number</b>	END-777

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Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
		5,423,321		Fontenot	06-13-1995	ALL
		5,467,780		Nabai, et al.	11-21-1995	ALL
		5,479,936		Nabai, et al.	01-02-1996	ALL
		5,483,972		Nabai, et al.	01-16-1996	ALL
		5,487,392		Haaga	01-30-1996	ALL
		5,517,997		Fontenot	05-21-1996	ALL
		5,526,822		Burbank, et al.	06-18-1996	ALL
		5,556,410		Mittermeir, et al.	09-17-1996	ALL
		5,571,182		Ersek, et al.	11-05-1996	ALL
		5,647,374		Cutrer	07-15-1997	ALL
		5,660,185		Shmulewitz, et al.	08-26-1997	ALL
		5,795,308		Russin	08-18-1998	ALL

## FOREIGN PATENT DOCUMENTS

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Examiner Signature	Date Considered
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet 4 of 5

Application Number	09/954,646
Filing Date	September 18, 2001
First Named Inventor	Foerster, Seth A., et al.
Group Art Unit	3737
Examiner Name	Eleni Mantis Mercader
Attorney Docket Number	END-777

**U.S. PATENT DOCUMENTS**

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		Number	Kind Code <sup>2</sup> (if known)			
		5,807,276		Russin	09-15-1998	ALL
		5,873,904		Ragheb, et al.	02-23-1999	ALL
		5,980,564		Stinson	11-09-1999	ALL
		6,053,876		Fisher	04-25-2000	ALL
		6,161,034		Burbank, et al.	12-12-2000	ALL
		6,183,497	B1	Sing, et al.	02-06-2001	ALL
		6,228,055	B1	Foerster, et al.	05-08-2001	ALL
		6,231,834	B1	Unger, et al.	05-15-2001	ALL
		6,271,278	B1	Park, et al.	08-07-2001	ALL
		6,335,028	B1	Vogel, et al.	01-01-2002	ALL
		6,356,782	B1	Sirimanne, et al.	03-12-2002	ALL

**FOREIGN PATENT DOCUMENTS**

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		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 5 of 5

<b>Application Number</b>	<b>09/954,646</b>
<b>Filing Date</b>	<b>September 18, 2001</b>
<b>First Named Inventor</b>	<b>Foerster, Seth A., et al.</b>
<b>Group Art Unit</b>	<b>3737</b>
<b>Examiner Name</b>	<b>Eleni Mantis Mercader</b>
<b>Attorney Docket Number</b>	<b>END-777</b>

## OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

[illegible]

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